



## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Sally Gardner Lane  
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**MAILED**

**MAY - 4 2001**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Applicants: Heath et al.  
Application No.: 08/699,716  
Filed: 08/27/96  
For: Recombinant F1-V Plague Vaccines

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,564.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Sally Gardner Lane  
SALLY GARDNER LANE  
Administrative Patent Judge

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Filed May 4, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

DAVID G. HEATH,  
ARTHUR M. FRIEDLANDER, GEORGE W. ANDERSON JR,  
and SUSAN L. WELKOS  
Junior Party

(Application 08/699,716),

**MAILED**

v.

MAY - 4 2007

RICHARD WILLIAM TITBALL,  
ETHEL D. WILLIAMSON, SOPHIE E.C. LEARY,  
PETRA C.F. OYSTON, and ALICE M. BENNE  
Senior Party

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
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(Patent 5,985,285).

Patent Interference No. 105,564  
(Technology Center 1600)

**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

1        **Part A. Declaration of interference**

2        An interference is declared (35 U.S.C. § 135(a)) between the above-identified  
3        parties. Details of the application(s), patent (if any), reissue application (if any),  
4        count(s) and claims designated as corresponding or as not corresponding to the  
5        count(s) appear in Parts E and F of this DECLARATION.

<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1        **Part B. Judge managing the interference**

2        Administrative Patent Judge Sally Gardner Lane has been designated to  
3        manage the interference. Bd. R. 104(a).

4        **Part C. Standing order**

5        A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
6        DECLARATION. The STANDING ORDER applies to this interference.

7        **Part D. Initial conference call**

8        A telephone conference call to discuss the interference is set for **2:00 p.m. on**  
9        **10 July 2007** (the Board will initiate the call).

10        No later than **four business days** prior to the conference call, each party shall  
11        file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;  
12        SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13        A sample schedule for taking action during the motion phase appears as Form 2  
14        in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to  
15        the conference call and to agree on dates for taking action. A typical motion period  
16        lasts approximately eight (8) months. Counsel should be prepared to justify any  
17        request for a shorter or longer period.

1                   **Part E. Identification and order of the parties**

2                   Junior Party

3                   Named inventors:           DAVID G. HEATH, LANSTUHL, GERMANY;  
4   ARTHUR M. FRIEDLANDER, GAITHERSBURG, MD;  
5   GEORGE W. ANDERSON JR., FREDERICK, MD;  
6   SUSAN L. WELKOS, FREDERICK, MD;  
7

8                   Involved Application:    08/699,716, filed 27 August 1996

9                   Title:                        RECOMBINANT F1-V PLAGUE VACCINE

10                   Assignee:                 UNITED STATES ARMY

12                   Senior Party

13                   Named Inventors:         RICHARD WILLIAM TITBALL, SALISBURY, GB,  
14   UNITED KINGDOM;

15   ETHEL D. WILLIAMSON, SALISBURY, GB, UNITED  
16   KINGDOM;

17   SOPHIE E.C. LEARY, SALISBURY, GB, UNITED  
18   KINGDOM;

19   PETRA C.F. OYSTON, SALISBURY, GB,  
20   UNITED KINGDOM;

21   ALICE M. BENNETT, SALISBURY, GB,  
22   UNITED KINGDOM;

23                   Involved Application:    08/913,477, filed 15 September 1997  
24   Issued as 5,985,285 on 16 November 1999

25                   Title:                        VACCINES FOR PLAGUE

26                   Assignee:                 THE SECRETARY OF STATE FOR DEFENCE IN  
27   HER BRITANIC MAJESTY'S GOVERNMENT OF  
28   THE UNITED KINGDOM OF GREAT BRITAIN AND  
29   NORTHERN IRELAND

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is  
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior  
3 party is responsible for initiating settlement discussions. SO ¶ 126.1.

4

## 5 Part F. Count and claims of the parties

6 Count 1

7 Claim 13 of Heath (08/699,716) or claim 17 of Titball (5,985,285).

## 8 The claims of the parties are:

9 Heath: 1-3, 5, 8-17, and 31

10 Titball: 1-48

11 The claims of the parties which correspond to Count 1 are:

12 Heath: 1, 2, 7, 9, 10, and 12 -17

13 Titball: 1-4, 8-17, 21-31, 36, 42, 43, and 48

14 The claims of the parties which do not correspond to Count 1, and

15 therefore are not involved in the interference, are:

16 Heath: 3, 5, 8, 11, and 31

17 Titball: 5-7, 18-20, 32-35,

18 The parties are accorded the following be

## 19 Titball:

20 PCT/GB96/00

21 UNITED KINGDOM 9505059.7, filed 13

22 UNITED KINGDOM 9518946.0 filed 15 September 2018

23 UNITED KINGDOM 9524825.8 filed 5 December 1995

1 Heath:

2 None

3

4 **Part G. Heading to be used on papers**

5 The following heading must be used on all papers filed in this interference, see  
6 SO ¶ 106.1.1:

7 **UNITED STATES PATENT AND TRADEMARK OFFICE**

8

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10 **BEFORE THE BOARD OF PATENT APPEALS**

11 **AND INTERFERENCES**

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15 **DAVID G. HEATH,**

16 ARTHUR M. FRIEDLANDER, GEORGE W. ANDERSON JR,

17 and SUSAN L. WELKOS

18 Junior Party

19

20 (Application 08/699,716),

21

22 v.

23

24 **RICHARD WILLIAM TITBALL,**

25 ETHEL D. WILLIAMSON, SOPHIE E.C. LEARY,

26 PETRA C.F. OYSTON, and ALICE M. BENNETT

27 Senior Party

28

29 (Patent 5,985,285).

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32 **Patent Interference No. 105,564**

33 **(Technology Center 1600)**

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37 **Part H. Order form for requesting file copies**

38 When requesting copies of files, use of SO Form 4 will greatly expedite  
39 processing of the request. Please attach a copy of Parts E and F of this

- 1 DECLARATION with a hand-drawn circle around the patents and applications for which
- 2 a copy of a file wrapper is requested.

/Sally Gardner Lane/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Copy claims of involved patent and application  
PTO Form 850

Revised 3 January 2006

cc (via overnight delivery):

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(Application 08/699,716),

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